Previous references.

1895
~~490~~

(Sep. Rev.)

File No. 44 of 94-95.

Serial Nos. 1 – 5.

Later references.
S.R. 597 of 1900.
RB & S 1-2 march 1901.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 5

major
~~**Part B.**~~ **for** April 1898.

SUBJECT.

Appeal of Dadda Papanna, Toddy Contractor against the order of the Deputy Commr, Bangalore Dist, regarding the amount of Toddy Revenue payable by him to the Inamdars of Geddalahalli & other Villages Hoskote Taluk.

1. From - Dadda Papanna, by Mr L. Srinivasa Ayyar Advocate, Bangalore.

Pet Regd No 3443 dt – 20.6.95.

Appeals against the order of the Dy Commr. Bangalore District dt - 19.3.95. in regard to the Claim by the Inamdrs of Geddalahalli and other Villages for the Toddy Rev. due to them.

2. To - The Dy Commr. Bangalore Dist No $\frac{5694}{\text{Ex 221}}$ dt - 23.12.1896.

G. R. S. 58

Forwards the above Petition and Calls for an early Submission of the entire Proceedings connected with the

3. To - Soda Papanna. No 5695/Ex222 dy-23.12.96

Intimates that the Dy Commr, Bangalore dstt has been asked to stay further Proceedings pending the disposal of his appeal.

4. From - The Dy Commr, Bangalore dstt.

Dy No 5730/Ex312.

Dis° 859 dy - 25/27.2.1897.

Forwards the entire records of the Case F Nilgiri Soda Papanna, as Called for above.

5. To - The Spl Commr in mysore; / The Dy-Commr, Bangalore dstt }

No 9576-5/Ex381 dy. 1.4.1898.

Makes certain observations on the Points in dispute, remarks on the Proceedings taken by the Dy Commr, and finally decides the Case by allotting certain portions of the Revenue to the Inamdars.

Commanded

M

Factories

~~CHIEF~~ SECRETARY'S OFFICE.

REVENUE BRANCH.

S.R 44 of 94

OFFICE NOTE.

SUBJECT.

Appeal against the order of the Deputy Commissioner, Bangalore dated [illegible] directing an award of Rs 900/- a year in a dispute between the Toddy Contractor, Doddapapanna & the Inamdar of Geddalahalli pura & other villages of the Hosakote Taluk, on account of Toddy revenue of the villages

LAST REFERENCE.

Petition ~~Letter~~ Rep. No. 2017 dated the 21st December 1896 from Doddapapanna in which he says that the Deputy Commr is pressing for payment of the amount due to the Inamdar of Geddalahalli & other villages and prays that pending decision of ~~the~~ Govt, further proceedings should be ordered to be stayed.

The case stands thus:—

There was some dispute between the Govt Toddy Contractor for 1890-91 and 1891-92 and the Inamdar of Geddalahallipura & other villages, Hosakote Taluq as to the Toddy Revenue due to the Inamdars. The case came up before the Asstt Commr Bangalore Dtt & he

after enquiry directed that the Contractor should pay the Inamdars Rs 320/- for 1890-91.

The Inamdars appealed against this order and the Dy. Commr. Bangalore ~~on~~ enquired into the matter, ~~and~~ reversed the Asstt. Commr's order and directed (order dated 19th March 95) that the Inamdars are entitled to the Toddy Revenue of the villages for 1890-91 & 1891-92 at the rate of 900 Rs a year.

It is on this order of the Deputy Commr that the petitioner Doddapanna ~~of~~ preferred an appeal to Govt. in June 1895.

After some remarks made by the 3rd. Councillor, in the appeal petition, it appears, that the matter was ordered to lie over pending settlement of the general question of the Inamdars' right to Toddy Revenue.

It is ~~respectfully~~ submitted that the case under reference is one which seems to have no bearing whatever with the settlement of the

Where is the order of the 3rd. Councillor to this effect? 22-12-96

Not much to do with the General question. Nor do I find anything among these papers to show that this appeal was ordered to

the question of Inamdars right to Toddy revenue. As will be seen from the Excise Commrs letter no 687/68 of 31st July 1896 (put up), it is clear that the Inamdars right to Toddy revenue of the villages in question has been recognised and advances paid to them since 1892-93.

The question now before Govt is whether the award given by the Deputy Commr for 1890-91 & 91-92 in favor of the Inamdars is proper or not. For the settlement of this question the appeal is preferred.

Under these circumstances an order may, if approved, be issued to the Deputy Commr, Bangalore, to stay further proceedings in the matter pending decision of Govt and ~~the appeal disposed of necessary orders passed on the petition in due course~~ to

Let order pending settlement of the general question. Under 3 (vi) orders the advance was ~~ruled~~ paid by the Revenue. How did it come back to the Collr.

22-12-96

to submit the entire proceedings
connected with the case
with the Dy Commissioners
remarks if any, in the
matter.

Subd for orders.

21/12/96

I think so too.

22/12/96

A report with record may be called for - further action may be ordered to be stayed pending the disposal of the appeal. Please see my marginal remarks. It is a pity that the appeal was lost right up to so long & looked to 3 Cr

22-12-96

21/12/96 - Do so
at once
23-12-96

Subd with orders
23/12/96

Note.

Petns of Dodda Papanna, late and other Toddy Contractor of the Hosalli Talukas for the years 1890-91 and 1891-92, appealing against the order of the Dy Comr of Bangalore in regard to the amount of Toddy Revenue payable by him to the Maundars of Goddalahalli and other villages.

Bangalore Dy Comrs Office No D 859 dy 25th Feby 197.

The matter in dispute relates to the toddy revenue for the years 1890-91 and 1891-92 payable to Ramanna, representative of the Maundars of the marginally noted villages*, by Dodd Papanna, Govt Contractor for those years.

The records of the enquiry, based upon the Inam Settlement, show that the Maundars right to toddy revenue extends to the first five of these only.

It is admitted that from April to the end of November 1890, the Contractor was prevented from drawing toddy in the Inam groves, as he would not execute the Muchalika or deposit the amount insisted upon by the Maundar.

The whole dispute resolves itself into the Questions —

1st Is the Maundar entitled to any revenue for the period between April and December 1890?

1. Goddalahalli.
2. Dalasagere.
3. Medur.
4. Hosavenkatapura.
5. Siddanahalli.
6. Idsandra.
7. Agrahara Vodrahalli.

I don't think he was bound to execute a Muchalika or to make a deposit. Having prevented him from tapping the trees, the Maundar was not entitled to call upon him to make any payment. GL

2dly what is the basis for calculating the correct amount of land revenue payable to the Inamdar.

2. Mr. Raghunath Rao, Asstt Comm.r, who heard the case in the first instance, was of opinion that, with respect to the non-utilization of the groves for the 8 months, both parties were to blame, the Contractor in not giving previous notice of his intention to abstain from using them, and the Inamdar in insisting on a deposit and a muchalika; and that, therefore (?), the Inamdar was entitled to half the revenue for these months and to the full revenue for the remainder of the term, at the rate of 40 Rs per month or 480 Rs per year, a rate he considered to be the proper one as judged from the figures given in certain muchalikas relating to the leases of the groves during a period extending from Rakhadshi to Vishu (1081-82).

Mr. Shujaet Ali, on the other hand, held on appeal that, whether or not the Contractor exercised the Inamdar's rights, he was, all the same, bound, under clause V of his agreement[x] for 1089-91 and 1091-92, to make payment to the latter. And, on the data furnished by the prices at which the groves were sold in 1093-94 and 1094-95 under the new system of smaller farms and greater competition (inaugurated in 1092-93), he decided that a sum of 900 Rs per year was a fair valuation of the revenue payable.

[x] Vide file 233 at the place indicated

I am afraid this D.C.'s view was wrong

He did want the trees but the Inamdar would not let him have it - How then was he to blame? The object of the notice is to enable the Inamdar to dispose of the trees or that - wise if the contractor does not require them. In this case there was absolutely no necessity for any notice - The assessment seems to be sound - C

3. With regard to the ~~Lessees~~ Contractors liability for the first 9 months of the year (1890-91), it seems to me that both these officers were in error in their findings. For a previous notice (if at all prescribed under orders of Govt — which is doubtful) would only be necessary if the Contractor himself wanted to give up the grants. If no certain rent wanted, nor does the liability imposed under clause V of the agreement (X) impose ~~a liability~~ arrear, when, as in this case, it was the Government own action in enforcing an unwarranted demand by distraint, that led to their being given up.

No amount seems therefore due for the 9 months in question.

4. In ~~deciding~~ fixing the proper amount of Toddy revenue, the Asstt Comr and the very Dy Comr have proceeded upon different data; the former going back to 3 years to create a period of Vishu (1891-92) and the latter adopting the figures for ~~the~~ years subsequent to the contract under consideration. (This was apparently because, owing to the dearth of information for the five years immediately preceding, it was impossible to comply with the instructions conveyed in the Govt Proc No 4533/190 (⊛) dt 30 August 1891)

The other guides to calculation indicated in the Contractor's agreement (clause V), already referred

(X) The Rules quoted by the Dy Comr, and submitted with the records, are only draft rules, circulated for the opinions of Comrs with Govt Proc C. 1969-70 dt 29 Dec 1869.

(⊗) Vide file 233

Grant to A

(⊛) Vide last para of records submitted by the Dy Comr

— special agreement, rules in force, and custom —, were equally wanting.

It is, however, to be apprehended, ~~that the rate~~ from the very manner in which they have been arrived at, that the rates fixed are in the ~~case~~ one case too low and in the other too high.

If so, the intermediate rate obtained by striking an average between the two, may probably be nearer the mark.

12/3/97.

[3d Cr's remark under 14-8-95:-
"I think that the case may well be heard and decided by 2 Councillors under the rules."].

Subject to 2 Cr.

I regret the delay in the submission of this file which unfortunately got mixed up with the Luanda Lobito rates file - I cannot think which has there is a case to be heard by two Councillors.

13/3/98

I think it is better to hear the parties in Court as I last suggested on 14-8-95 and dispose of it. It may be fixed for the next hearing day if the 1st Councillor has no objection 14-3-98

Petition Branch
Please ascertain
the Petitioner's address
to the necessary

14/3/98

RD 6.30 Pm
14/3/98

Subject to [illegible] for ... Petitioner's address
this case may be passed to the next
hearing date 18th inst. The V. Records
are building at Kew is no
use this but there is no
[illegible]

Amount due by Co.
Average of previous year
31-4-11 × 12 = 87 5-
Average of 2 years 1053-6-6
Present year 1428-6-6
2) 1481-3-
714-3-
Deduct 1/10 per cent for collection 71-6
642-12-8
For 1894/95 - 642-12-8
From Dec. 4 months 214-2
V. 1690 191
856-15-11
This leaves a
fair amount to
be awarded to
the Government

I am a paid
this matter does
not fall under
any of the items
specified with
which Municip
receive grants
& hereby
vote comrades
& can decis
sioned the un-
warranted in
-crease of
proper authority

15.3.98

Ruled
2 P.C.
15/3/98

The Award suggests that the Secretary communicate
orders may if so accept.
16-3-98

To be transferred
to Reserve Branch
16/3/98

Rec'd 29/3/98
Exch 17/3/98

Rec'd accept
about 17-3-98

The ... by similar reference that I can find is here ... submitted.

Thos J

Gen. Serial No. 32.]

1895

No. 3443

Name of Petitioner. Dodda Nafanna

Village. by Mr. L. Srinivasayya advocate

Taluk. Bangalore

District.

Date of Arzi. 20 - 6 - 95

Date of Receipt. 20 - 6 - 95

Date of Disposal.

No. of Enclosures. 2

Sir,

I saw the appeal Regrs of 91-92, 92-93 & 93-94, but could not find any refee but one which is putting herewith.

SECTION S. R

FILE NO. 46 of 94-95

SER'AL NO. 1

Regr.
697
23 Mch
9/8
Subs

There were, if I recollect right, several instances in which claims to Sayar & other revenues were involved & these heard in Council. I regret a note of them was not kept for ready refee & the office have not been able to pick up the records.

Under the recent Council Rules "claims to receive payments charged on or payable out of the Land Revenue or to set aside any cess or rate authorized by Govt under the provisions of any law for the time being in force" have to be heard by two councillors. The present claim is different from such claims but may perhaps be treated like them.

In time.
Stamp Office
Rule 6 to be observed

Submitted
to the 3d Councillor.
C
13/8/95

I think that the case should be heard & decided by three Councillors under the rules.
The ... point involved

ABSTRACT.

Appeals against the decision of the Dy Comr Bangalore Dt dated 19-3-95 in regard to the claim put forward by the Inamdars of Yeddulahalli pura & others for the release of Rs 2 Revenue due thereon

The order appealed against and the grounds urged are in English.

20/6.

Submitted to the 3d Councillor
25/6/95

Is the 3d Councillor under the Rules to be heard by two Councillors or what? What was the practice hitherto
25.6.95 Dist AR

it to be the duty of the Council
in accordance to the General
Instructions to be laid down
This matter is pending before
the Diwan. So submit this
to the Diwan. It is necessary
that the numerous [illegible] pending
shd. be decided on certain
General principles.

14.8.95

I submitted to the
Diwan C.
15-8-95

3443

Two rupees Stamp affd

Before the Government of
Mysore

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
REG'D. N.: 3443R
DATE 20-6-95

Revenue Appeal No. of 1894/95

Doddapapanna - Defendant &
Appellant

Is this the best
I can write or what?
What was the matter
with the
25/6/95

Ramanna - Plaintiff and
Respondent

Doddapapanna the defendant above named begs to prefer this appeal to the Government of Mysore against the decision of the Deputy Commissioner of Bangalore dated 19th March 1895, awarding Rupees 1800-00 in reversal of the award by an Assistant Commissioner Mr. G. Raghoonatha Rao -

The Deputy Commissioner erred in awarding rent for

2 years 1890-91 & 91-92 on appeal whereas the Assistant Commissioner has tried the case between the parties as regards the 1st year only.

2- The Deputy Commissioner erred in estimating the amount of rent due to the Jodidar for 1890-1891 and 1891-92 from what was realized in 1893-94 and under a different state of circumstances and ignoring the evidence on which the parties litigated before the Assistant Commissioner.

3. In as much as the matter was on appeal before the Deputy Commissioner, he erred in travelling out of the record and in basing his award on evidence which was not upon record and upon which the defendant was not heard.

4- As the Jodidar (Plaintiff) prevented the defendant from drawing toddy from

1st-

1st April till the end of Novem-
ber 1890, unless the latter depo-
sited some money and executed
Muchalika, the defendant is
not bound to pay any rent
for that period -

5- The draft rule quoted
by the Deputy Commissioner
is no authority in the case.

6 The sum of Rupees 900 — o — o
a year is under any cir-
cumstances excessive.

7- The Deputy Commissioner
erred in referring to the
Division Officer the question
of rent due for trees in cer-
tain other villages not covered
by the sum of Rupees 900 — o
above mentioned, in the
face of the admission in
his Order that no evidence
was adduced by the plain-
tiff on that point before
the

the Assistant-Commissioner.

8. The Order of the Deputy Commissioner is against the weight of evidence and law.

Greenmanager

Advocate for
Appellant

THE COURT OF THE Dewan of Mysore

OF

Re estate CASE No. OF 189 6 5

Doddapanna } Versus { Ramanna

1. I, or we the above named ..... do by these presents retain and appoint Mr. T. Srinivasa Iyengar Advocate to appear for and conduct the above case, on my or our behalf to Judgment.

2. I, or we further empower him to execute any decree or order that may be passed in the above suit on my, or our behalf, and to recieve any sum or sums of money from the Court and to grant sufficient receipt for the same.

3. I, or we also undertake to grant, ratify, approve, and confirm all the legal acts and proceedings done by the said Advocate in so doing, on my, or our behalf.

Witness this day

Our hand.

~~Signed before me~~

Executing by

Signed before me

W. H. Nethersole

City Magistrate Mysore

14th June 1895

Accepted.

T. Srinivasa Iyengar

TOWN MAGISTRATE'S MYSORE OFFICE

Advocate for appt

20/6/95

SECTION S.R

FILE No. 44 794

SERIAL No. 2

To

The Deputy Commr.

Bangalore Dist.

No 5-694 Ex. 221

Dated 23rd December 1896

23

In forwarding herewith
3443 & 2017
petitions Regd Nos ~~2017~~ dated
20th June 1895 Deputy Commr respecting
21st ~~instant~~ received from
Siliguri
Doddapapanna together with
their
enclosure ~~regarding~~ in
connection with the payment
of Loddy Revenue to the Inam
dars of Geddalahalli & other
villages in the Hosakote
Taluq, the Deputy Commr
is requested to submit early
the entire proceedings
connected with the case
with his remarks, if any, in
the matter.

Pending disposal of
the appeal now before Govt.
in regard to the recovery of
further action, may be stayed
the amount from the Petitioners" B. O.
Should be stayed

JB
23/12/96

23/12/96
Secretary

SECTION S. R

FILE NO. 44 794-

SERIAL NO. 3

2 dft 6

No. 5695 of 23.12.96

Jan. 222

Endorsement 23

In reply to his petition dated 21st December 1896 stating that the Deputy Commr is pressing for payment of the ~~Land~~ Revenue due to the Inamdars of Geddalahalli & other villages in the Hosakote Taluq for the years 1890-91 & 91-92 and praying ~~that his~~ for Early orders on his appeal, ~~Deputy Commr may be directed to stay further proceedings for the recovery of the amount~~, Nilipuri Papanna Devaraja Mohalla, Mysore, is informed that pending disposal of his appeal by Govt, ~~the~~ the Deputy Commr Bangalore Distt has been asked to stay further proceedings in the matter.

By Order

Secretary

23/12/96

Re
2.3.97

5730
Ex 312

1896–97.

From The Dy Commissioner,
Bangalore District.

To The Secretary to the Govt of Mysore,
Genl & Rev Departments,
Bangalore.

Dated 25th February 1897.
Despatched 27th Do
Received
General No.
No. 859
Enclosure No. 1 file

SECTION L. A.
FILE NO. 44 794
SERIAL NO. 4

With reference to his No 5694* dated 23rd December /96, Ex: 221 has the honor to forward herewith the entire record of the case of Nilgere Doda Pampanna together with a copy of the order passed by the late Deputy Commissioner Mr Mir Shujaet Ali Khan on the subject. The original of the order is missing and has not been recovered although searched for.

K Somanabon
for Dy Commissioner

Enclosures returned.

DB
3/3/97.

Submitted for orders.

The English memo, the opinion of Mr G. Rushmatha Row Asste Commr & the Dy Commrs order give full particulars of the case.

Under the orders of the 3rd Councillor recorded on Petition Regd No 3443, the case is to be posted for hearing by 2 Councillors.

DB
8/3/97

SECTION S. A.

FILE NO. 44 of 94

SERIAL NO. 5

Proceedings of the Govt of Mysore

Read: —

Petitions Regd Nos 3443 and 2017 of 20th June 1895 and 21st December 1896 from Doddapapanna Toddy Contractor of Hoskote and other Taluks for 90-91 and 91-92, appealing against the orders of the Dy Comr Bangalore dt in regard to the amount of Toddy Revenue payable by him to the Inamdars of Geddalahallipura and 6 other Inam Villages in the Hoskote Taluk.

also

Docket No D 859 of 25th Feby 1897 from the Dy Comr Bangalore dt forwarding with reference to this office No 5964 / Ex 321 of 23rd Dec 96 the entire records connected with the case.

Order thereon

The matter in dispute relates to the Toddy Revenue ~~for the years 90-91 and 91-92~~ payable to Ramanna, representative of the Inamdars of the marginally noted villages* by Dod Papanna, Govt contractor

W.P.

NO 95-14-5 & 4/98.
Ex 381.

1 Geddalahalli
2 Dalasagere
3 Medleri
4 Hosuenkatapura
5 Siddanahalli
6 Hesandra
7 Agrahar Voddarhalli.

Contractor for ~~three~~ 1890-91 & 1891-92 years. The records of the enquiry, based upon the Inam Settlement show that the Inamdar's right to Toody Revenue extends to the first five ~~only of~~ Villages ~~three~~ only ~~and this is~~, admitted that from April to the end of November 1890, the Contractor was prevented from drawing Toody in the Inam groves referred to on the ground that he did ~~as he would~~ not execute the Mutchalika or deposit the amount insisted upon by the Inamdar. The whole dispute resolves itself into the questions:—

1st Is the Inamdar entitled to any revenue for the period between April and December 1890?

2nd What is the basis for calculating the correct amount of Toody Revenue payable to the Inamdar.

2. With regard to the Contractor's liability for the first 8 months of the year 1890-91, ~~it seems to me that both~~ Govt. ~~observe that~~ a previous notice would only be necessary if the contractor himself wanted to give up the Inam groves. It was certainly ~~not~~ costs are referred to by Mr. Assist. Commr. G. Raghunatha Rao

not wanted nor does the liability imposed under clause V of his agreement arise when, as in this case, it was the Executive's own action in enforcing an unwarranted demand by obstruction that led to there being grieve up.

No amount seems therefore due for the 8 months in question.

In fixing the proper amount of Jowry Revenue the Asst Comm & the Dy Comm have proceeded upon very different data, the former going back to so remote a period as Vizian (1887 80) 1879 and the latter adopting the figures for 3 years subsequent to the Contract under Consideration.

The other guides to calculation indicated in the Contractors agreement (clause V), already referred to, — special agreement rules in force, and custom — were equally wanting.

From the very manner in which they have been arrived at

as

These rates being
~~at the rates fixed are~~ in the one
case too low and in the other too
high the Government considers ~~Lisense~~
that the intermediate rate obtain-
-ed by striking an average
between the two will be nearer
the mark and accordingly award the
following sum to the Examdar—

Average of remote years
$31\frac{3}{4} \times 12 = 376-4-0$

Average of two subsequent years. $\left.\begin{array}{l} 1053-6-8 \\ 2 \overline{)1429-6-8} \end{array}\right.$
$714-11-4$

Deduct $\frac{1}{10}$ for Cost of Collection $71-7-6$

For 1891–92 ——— $643-3-10$

From December to March of 1890–91 $214-6-7$

$857-10-5$

30/3/98

29/3/98 VL 30/3/98 Secretary

To
The Excise Comm—
" Deputy Comm, Bangalore
Dt. returning Exc papers.

Rec'd 1/4/98.

VL 30/3/98